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PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 15th March, 2019.

Preliminary Notification
(Under Section 11(1) of the Act - 2013

No.RDA.98/2015/89. - It is hereby notified that land within the boundaries described below that additional land measuring an area of 80949.36 Sq. mtrs. situated at Mawdiangdiang village in the District of East Khasi Hills is likely to be needed for Public Purpose, *viz.* for Expansion of NEIGRIHMS.

SCHEDULED OF BOUNDARIES

NORTH:- By the Stream

EAST:- Land of Urban Affairs Department

SOUTH:- Land of Pyngrope Clan

WEST:- Paddy Field & Stream

This Notification is made under the provision of Sub-Section (1) of Section 11 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

Objection(s) to the acquisition if any, filed under Section 15 by any person interested within the meaning of that Section; within 60 (sixty) days from the date of Publication of this Notification in the Gazette and in the 2 (two) daily Newspaper/Government website, whichever is later, before the Collector/Deputy Commissioner of East Khasi Hills will be considered.

Government are pleased to authorize officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey the land and do all others acts required or permitted by Section 12 of the Act.

B. HAJONG,
Joint Secretary to the Government of Meghalaya,
Revenue & Disaster Management Department.

The 1st March, 2019.

No.GAB.69/2000/Pt/240. - The Governor of Meghalaya is pleased to rename the following roads/villages etc., in the State as follows with immediate effect:-

	Name of existing roads/villages	**Renamed as**
1.	Road from Mawlai Mawroh-Umshing, Mawkynroh, Mawtawar, Nongkohlew, Mawsiatkhnam to Madan Mawkhar.	**"Saint Mother Theresa Road"**
2.	Howell Road, Laban	**"Thranghok J. Rangad Road"**
3.	Zig Zag Road, Rilbong	**"Ardhendu Choudhuri Road"**
4.	ABP Road Batti Bazar, Laban	**"Roland Lyngdoh Road"**
5.	Sylhetipara Road, Laban	**"Krep Sing Swer Road"**
6.	Jackson Trace Road, Lower Lumparing	**"Melinton Kharkongor Road"**
7.	Kynshi Raishan Village	**"Kynshi Village"**
8.	Dikki Bandi (M.P. Stadium), Tura	**"P. A. Sangma Stadium"**
9.	Road from Araimile junction to AMPT NEC Road *via* ICFAI.	**"P. A. Sangma Road"**

P. S. THANGKHIEW,
Additional Chief Secretary to the Govt. of Meghalaya,
General Administration Department.

The 13th March, 2019.

No.MG.94/2011/39. - In exercise of the powers conferred by sub-section (3) of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Meghalaya hereby authorise the Officers specified in column (2) of the Schedule below to serve an order of eviction on a person who has trespassed into any land in contravention of the provisions of sub-section (1) of Section 4 of the Act and, if necessary, obtain help of the police to evict the trespasser from the land, in respect of minerals specified in column (3) thereof, namely:-

SCHEDULE

Sl. No.	**Designation of Officer**	**Minerals**	**Areas of jurisdiction**
1	2	3	4
1	Deputy Commissioner	Minor Minerals specified in Schedule II of the Meghalaya Minor Minerals Concession Rules, 2016 and Minerals specified in First Schedule and Fourth Schedule of the Mines and Minerals (Development and Regulation) Act, 1957.	Within their respective areas of jurisdiction
2	Divisional Forest Officer in-charge of Territorial Division	Minor Minerals specified in Schedule III of the Meghalaya Minor Minerals Concession Rules, 2016.	Within their respective areas of jurisdiction

This notification shall come into force with effect from the date of issue.

T. DKHAR,
Commissioner & Secretary to the Govt. of Meghalaya,
Mining and Geology Department.

The 21st December, 2018.

No.JHADC/POL/15/68/42. - In Pursuance of Rules 5 of the United Khasi Jaintia Hills Autonomous District Administration of Justice Rule 1953, as adopted and amended, the Executive Committee, Jaintia Hills Autonomous District Council, Jowai, is pleased to constitute a Village Court for the Elaka Amwi with the following Members as elected on the 20th July, 2018. The Members so elected shall hold Office for 5 (five) years beginning from the date of the first sitting of the Court*, i.e.* 20th July, 2018.

1.	Chairman	-	Mr. J. Pyrtuh, Dolloi Elaka Amwi
2.	Vice–Chairman	-	Mr. Kolbi Rongi
3.	Secretary	-	Mr. Chanky Kyndait
4.	Assistant Secretary	-	Mr. Bhalang Pamthied

Executive Member

1.	Kroswell Khyriem	-	Mupyut
2.	BanchanborSuting	-	Sohmynting
3.	Rialsing Muksor	-	Moosakhia.

R. PHAWA,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council,
Jowai.

The 1st March, 2019.

CHAPTER - I

No.POL.191/2004/Pt-I/759. - In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (2 of 1974) and the spirit thereof, the Governor of Meghalaya is pleased to modify the Meghalaya Victim Compensation Scheme, 2014 notified *vide* No. POL.191/2004/Pt.I/281, dated the 8th August, 2014 and to bring it in conformity with provisions of the Central Victim Compensation Fund guidelines issued by the Government of India in the Ministry of Home Affairs *vide* No. 24013/94/Misc./2014-CSR.III, dated 14th October, 2015.

1. Short title extent and commencement:-

i) This scheme shall be called the Meghalaya Victim Compensation Scheme, 2019.

ii) It shall extend to the whole of the State of Meghalaya.

iii) It shall come into force at once.

2. Objectives of the Scheme. The Scheme aims at providing:

a) Financial Assistance to the victim; and

b) Support services such as shelter, counseling, medical aid, legal assistance, education and vocational training depending upon the needs of the victim.

c) The Scheme shall apply to the victims and their dependents(s) who have suffered loss, injury as the case may be, as a result of the crime and who require rehabilitation.

3. Beneficiaries:-

The scheme shall cover the victim and in case of death of the victim, his dependents or the member(s) of the family of the victim who have suffered atrocity resulting from the crime.

4. Definition:-

In the scheme, unless the subject or context otherwise requires:-

a) **"State"** means State of Meghalaya;

b) **'Government'** means Government of Meghalaya;

c) **"Act"** of **"Code"** means the Code of Criminal Procedure, 1973 (2 of 1974);

d) **"Fund"** means the Victim Compensation Fund;

e) **'Victim Compensation'** means the amount payable to the victim and in the case of the death of the victim, to the dependents or legal heirs of the victim.

f) **'Authority'** means "the District Legal Services Authority" and "the State Legal Services, Authority" constituted under section 9 and section 6 of the Legal Services Authority Act, 1987 respectively;

g) **"Schedule"** means the Schedule appended to this Scheme.

h) **"Loss of Injury"** means the loss or injury as defined in Column 2 of the Schedule;

i) The pronoun "he" and its derivatives as used in this Scheme include any person, whether male or female;

j) **"Victim"** means a woman or girl child or male child who has suffered loss or injury caused by reason of the act or omission due to sexual harassment for which the accused persons has been

charged and the expression 'victim' includes in case of death of the victim, the guardian or legal heir.

5. **Victim Compensation Fund:**

i. There shall be constituted a fund to be named as "Victim Compensation Fund" from which the amount of compensation awarded under this scheme shall .be paid to the victim or his guardian or legal heir who have suffered loss or injury as a result of the crime and who require rehabilitation. The compensation as decided by the Meghalaya State Legal Services Authority or the District legal Services Authority, as the case may be, shall be paid to the victim or his guardian or legal heir who have suffered loss or injury and require rehabilitation as a result of the crime.

ii. The fund shall be operated by the Secretary, State Legal Services Authority and shall be constituted out of the following funds:

a. Grants from the Central Government, State Government or any local authority;.

b. Subscriptions, donations and contributions received from any individual or bodies, whether incorporated or not, or international, national, philanthropist, charitable institutions or organizations;

c. Money received in compliance to any court order;

d. Budgetary allocation for which necessary provision has been made in the annual budget by the Government;

e. Fine imposed under Section 357 of the Code of Criminal Procedure, 1973 (1 of 1974) and ordered to be deposited by the Courts in the Victim Compensation Fund;

f. Amount of compensation recovered from the wrongdoer or accused under the provisions for this Scheme.

6. Conditions for Compensation:-

(i) Victim shall be eligible for the grant of compensation if ordered by the Court.

(ii) Under this scheme, the victim or guardian or legal heir, as the case may be, shall be entitled to financial assistance and restorative support services if one of the following criteria is satisfactorily fulfilled:

(a) If the offender is not traced or identified, the victim may also apply for grant of compensation under sub-section (4) of section 357-A of the Act to meet expenses for physical and mental rehabilitation.

(b) The victim or claimant must report the crime to the officer -in-charge of the local Police Station or to the Magistrate having jurisdiction before making claim for the compensation or *suo moto* cognizance taken of the crime by the police under whose jurisdiction the offence was committed.

(c) The victim or claimant (in the case of death of victim) shall fully cooperate with the police and prosecution form the stage of investigation till conclusion of trial of the case. Turning hostile or refusing to depose or failure to appear during trial shall be considered to be non-cooperation.

(d) The crime must be one in which the victim sustains mental or bodily injury or dies.

(e) The death or permanent incapacitation of the victim was not the result of suicide or self-infliction of bodily or mental injury or a result of the victim's own wrong doing.

(f) The victim has not been compensated for the loss or injury under any other scheme of the Central or the State Government or Insurance Company or any other institutions.

(g) Perpetrators of the crime or his dependent will not be eligible to any compensation under the scheme.

(Explanation: The victim shall inform the authority the details of claims for compensation made under any other scheme or from any other source. The victim may exercise option to choose another scheme of Government, if the same is more beneficial to him. The victim will not entitled to lay claim to both benefits and part benefit from one scheme and part from another).

7. Procedure for grant of compensation:-

Wherever a recommendation is made by the Court or an application is made by any victim or his dependent under sub-sections (2) or (3) of section 357-A of the Cr.PC.1973 to the District Legal Services Authority, it shall examine the claim and verify the contents of the same with regard to the loss of injury caused to the victim arising out of the reported criminal activity and shall also call for medical report, FIR and related records, copy of Final Form of the investigation or any other information necessary in order to determine the claim. Such information may relate to the loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses.

i) On being satisfied after due inquiry, the District Legal Services, Authority shall determine the quantum of compensation within two months, within the ceiling of compensation fixed in the Schedule:

ii) Provided that if the compensation awarded by the court exceeds the maximum limit, the amount of compensation so awarded shall be paid irrespective of maximum ceiling provided in the Schedule.

8. Mode of Payment:-

Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgement at a later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Cr.PC. the victim or claimant (in the case death of victim) shall remit an amount ordered equal to the amount of compensation, or the amount ordered to be paid under the said subsection (3) of section 357 of the code, whichever is less. An undertaking to this effect shall be given by the victim or claimant (in the case of death of victim) before the disbursement of the compensation amount.

9. Basis of Quantum of compensation:

(i) The quantum of compensation to be awarded to the victim or his dependents will be considered on the basis of loss caused to the victim, medical expenses to be incurred on treatment minimum sustenance amount required for rehabilitation including incidental charges such as funeral expenses,

(ii) The compensation shall not exceed the amount specified in this Schedule.

(iii) Compensation received by the victim or dependent from the State in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under any other Act or State-run Scheme, shall be considered as part of the compensation amount under these Schemes. The victim or claimant who has received compensation amount from collateral sources mentioned above shall be deemed to be compensatory under the scheme. If the eligible compensation amount exceeds the payment received by the victim or dependent from the aforementioned sources, the balance amount shall be paid from the Fund.

(iv) The cases covered under the Motor vehicle Act, 1988 (59 of 1588) wherein compensation is to be awarded by the Motor Accident Claims Tribunal and cases covered under existing schemes, facilities shall not be covered under this Scheme.

(v) The Meghalaya State Legal Services Authority or the District Legal Services Authority may, in order to alleviate the suffering for the victim, order for immediate firsts aid facility or medical treatment to

be made available free of cost on the certificate of the Officer-in-charge of the Police Station or Magistrate of the area concerned.

(vi) In case employment is given to any family member of a victim of crime on compensatory ground, no assistance will be given to the dependent from the Scheme. In case such employment is given after release of compensation under the scheme, the assistance would not be withdrawn or amount realized, if paid already.

10. Order to be placed on record:-

A copy of the order of compensation passed under this scheme shall be mandatorily placed before the trial court to enable the court to pass order of compensation under sub-section (3) of Section 357 of the code.

11. Authorities responsible for implementation of the Scheme:

i) District Legal Services Authority.

The District Legal Services Authority in every District will have the exclusive jurisdiction to dealt with applications for compensation under the Scheme.

ii) Functions of the District Legal Services Authority.

iii) The District Legal Services Authority shall perform the following functions:

(a) To consider the claims and provide financial assistance and support services, as the case may be, in accordance with the procedures prescribed under the Scheme.

(b) To recommend for psychological, medical, educational and legal assistance to the affected persons, by the concerned authorities.

(c) To arrange for counseling support to the affected woman including counseling of the spouse in case the affected woman is married.

(d) To arrange shelter for the affected person for such period as may be required and in this regard issue directions to the appropriate authorities to provide protection to the affected persons whenever deemed necessary.

(e) To recommend to the State Legal Services Authority the quantum of compensation to be awarded to a victim and the amount that shall be recommended shall not exceeded the maximum limit as per the Schedule.

(f) The amount of compensation as allotted to the District Legal Services Authority by the State Legal Services Authority from the fund shall be disbursed to the victim.

12. **Procedure for payment:**

i) The amount of compensation shall be deposited in a Nationalized Bank branch or in a scheduled Commercial Bank or in a Post Office in the joint or single name of victim or dependent(s) as the case may be. The payment from the Victim Compensation Fund will be made by Account Payee Cheque or electronic money transfer into the account of the payee.

ii) The compensation awarded shall be paid in two phases, the first half being within any time during the inquiry or investigation launched under the provisions of CrPc or before commencement of trial and balance on conclusion of the trial. Provided that in case of a victim of acid attack, out of the compensation awarded., a sum of Rs. 1 lakh be paid within 15 days from the date of occurrence of such incident and the balance amount of Rs. 2 lakhs shall be paid as expeditiously as may be possible and positively within two months thereafter.

13. Budget Allocation:-

Government shall make necessary budget provisions for making contribution into the fund.

14. Maintenance of Accounts:-

The Deputy Commissioner or District Legal Services Authority shall maintain accounts from receipt and expenditure as per the financial procedure of the State Government.

15. Audit of Accounts:-

The accounts of the District Legal Services Authority and the State Legal Services Authority shall be audited by the local audit and by the Accountant General.

16. Recovery of compensation awarded to the victim or dependent (s):

Subject to the provisions of sub-section (3) of section 357 A of the code, the Meghalaya Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or his dependent (s) from person (s) responsible for causing loss or injury as a result of the crime committed by him.

17. Limitation:-

Under the Scheme, no claim made by the victim or dependent(s) under sub-section (4) of section 357 A of the Code, shall be entertained after a period of twelve months from the date of occurrence of the crime.

18. Appeal:- Any victim aggrieved by an order of denial of compensation by the District Legal Services Authority may file an appeal before the State Legal Services Authority within a period of 90 days.

Provided that the State Legal Services Authority, if it is satisfied, and for reasons to be recorded in writing, may condone the delay in filing the appeal.

19. Supersession:-

The Meghalaya Victim Compensation Scheme, 2014 as notified *vide* Notification No.POL.191/2004/Pt-I/ 281, dated 8th August, 2014 hereby stands repealed from the date of the notification of this Scheme in the Meghalaya Gazette.

Notwithstanding such repeal, any order issued, action taken or anything whatsoever done under the provisions of the Scheme so repealed shall be deemed to have been made, issued, taken or done under the corresponding provisions of this Scheme.

P. W. INGTY,
Additional Chief Secretary to the Govt. of Meghalaya,
Political Department.

Schedule I

Meghalaya Victim Compensation Scheme, 2019			
Sl. No.	Particular of Loss or injury	Maximum Age Limit of Compensation	
1	2	3	4
1	Loss of Life	a. Age 40 years or below 40 years b. Age above 40 years and up to 60 years c. Age above 60 years.	Rs. 3.00 Lacs Rs. 2.00 lacs Rs.1 Lac
2	Loss of any limb or part of body above 40%	a. Age 40 years or below 40 years b. Age above 40 years and up to 60 years c. Age above 60 years.	Rs. 2.00 Lacs Rs. 1.00 Lac Rs. 50,000/-
3	Loss of any limb or part of body below 40%	a. Age 40 years or below 40 years b. Age above 40 years and up to 60 years c. Age above 60 years.	Rs. 1.00 Lac Rs. 50,000/- Rs. 25,000/-
4	Rape		Rs. 3.00 lacs
5	Acid Attack		Rs. 3.00 lacs
6	Loss or injury causing severe mental agony to women and child victims in cases like human trafficking, kidnapping and molestation etc.		Rs. 50,000/-
7	Physical abuse of minor		Rs. 2.00 Lacs
8	Rehabilitation of victims of Human Trafficking		Rs. 1.00 Lac
9	Sexual assault (excluding rape)		Rs. 50,000/-
10	Burn affecting greater than 25% of the body (excluding acid attack case)		Rs. 2.00 Lacs
11	Loss of foetus		Rs. 50,000/-
12	Loss of fertility		Rs. 1.5 Lac
13	Women victim of cross border firing a. Dead or permanent disability (80% or more) b. Partial disability (40% to 80%) c. Below 40%		 Rs. 2.00 Lacs Rs. 1.00 Lac Rs. 50,000/-
14	Victim less than 14 years of age, the compensation shall be increase by 50% over the above specified amount.		
15	The following expenses shall be payable in addition to compensation outline above		
	(i) Funeral expenses	Rs. 10,000/-	
	(ii) Medical Expenses - Actual expenses incurred before death or on account of injury supported by bills/vouchers but not exceeding Rs. 15,000/-		

Explanation:-The minimum compensation of Rs. 3. Lacs has been fixed for acid victims as per the order and judgement dated 18th July, 2013 of the Hon'ble Supreme Court of India in Laxmi-vrs-Union of India and others (Writ petition (CRL) No. 129 of 2006) to enable the victim to meet the cost related to after care and rehabilitation. Of this amount, a sum of Rs. 1 lac shall be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the States Govt. Union Territory) to facilitate immediate Medical attention and expenses in this regard. The balance sum of Rs. 2 lacs shall be paid as expeditiously as may be possible and positively within two months thereafter. Column No.7, 8, 9, 10, 11, 12, 13 and 14 has been incorporated from the Central Victim Compensation Fund as per the order from the Government of India *vide* letter **No. 24013/94/Misc./2014-CSR.III dated 14th October, 2015.**

CHAPTER – II

PART -II

The Chapter contained in this part shall be called **"Compensation Scheme for Women Victims / Survivors of Sexual Assault / other Crimes".**

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1. SHORT TITLE AND COMMENCEMENT

(1) This Chapter may be called the 'Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018.

(2) It shall come into force on the date as and when ordered by Hon'ble Supreme Court of India.

(3) It shall apply to the victims and their dependent(s) who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation.

2. DEFINITIONS

1) In this Chapter, unless the context otherwise requires:-

a) **"Code"** means the Code of Criminal Procedure, 1973 (2 of 1974):

b) **"Dependent"** includes husband, father, mother grandparents, unmarried daughter and minor children of the victim as determined by the State Legal Services Authority or District Legal Services Authority on the basis of the report of the Sub-Divisional Magistrate of the concerned area/Station House Officer/ Investigation Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry.

c) **"District Legal Services Authority"** means the District Legal Services Authority (DLSA) constituted under section 9 of the Legal Services Authorities Act, 1987 (Act 39 of 1987) for a District of the National Capital Territory of Delhi;

d) **'Form'** means form appended to the Scheme as applicable to this Chapter.

e) **'Fund'** means State fund i.e. victim compensation fun constituted under the State Victim Compensation Scheme.

f) **'Central Fund'** means funds received from CVCF Scheme, 2015.

g) **'Women Victim Compensation Fund'** means funds segregate for disbursement for women victim, out of State Victim Compensation Fund and Central Fund.

[*Within the State Victim Compensation Fund, a separate Bank account shall be maintained as a portion of that larger fund which shall contain the funds contributed under CVCF Scheme by MHA, GOI contributed from Nirbhaya Fund apart from funds received from the State Victim Compensation Scheme Fund which shall be utilized only for victims covered under this Chapter]*

h) **'Government'** means 'State Government' wherever the State Victim Compensation Scheme or the State Victim Compensation Fund is context and 'Central Government' wherever Central Government Victim Compensation Scheme is in Context and includes UTs.

i) **'Injury'** means any harm caused to body or mind of a female.

j) **'Minor'** means a girl child who has not completed the age of 18 years.

k) **Offence'** means offence committed against women punishable under IPC or any other law.

l) **'Penal Code'** means Indian Penal Code, 1960 (45 of 1860);

m) **'Schedule'** means schedule applicable to this Chapter /part of the scheme.

n) **"State Legal Services Authority"** means the State Legal Services Authority (SLSA), as defined in Section 6 of the Legal Services Authorities Act, 1987 (39 of 1987).

o) **"Sexual Assault Victims"** means female who has suffered mental or physical injury or both as a result of sexual offence including Sections 376 (A) to (E), Section 354(A) to 509 IPC

p) **Women Victim/Survivors of other crime'** means a woman who has suffered physical or mental injury as a result of any offence mentioned in that attached Schedule including Sections 304 B, Section 326 A, Section 498A IPC (in case of physical injury of the nature specified in the schedule) including the attempts and abetment.

(2) Words and expressions used in this Chapter and not defined here, shall have the same meaning as assigned to them in the Code of Criminal Procedure , 1973 or/and the Indian Penal Code, 1960.

3. WOMEN VICTIMS COMPENSATION FUND -

(1) There shall be a fund, namely, the Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority of District Legal Authority, shall be paid to the women victims or her dependent(s) who have suffered loss or injury as a result or an offence and how require rehabilitation.

(2) The 'Women Victims Compensation Fund' shall comprise the following:-

(a) Contribution received from CVCF Scheme, 2015.

(b) Budgetary allocation in the shape of Grants-in-aid to SLSA for which necessary provision shall be made in the Annual Budget by the Government.

(c) Any cost amount ordered by Civil/Criminal Tribunal to be deposited in this Fund.

(d) Amount of compensation recovered from the wrong does/accused under clause 14 of the Scheme.

(e) Donation/contributions from International / National / Philanthropist / Charitable Institutions / organizations and individuals permitted by State or Central Government.

(f) Contributions from companies under CSR (Corporate Social Responsibility).

(3) The said Fund shall be operated by the State Legal Services Authority (SLSA).

4. ELIGIBILITY FOR COMPENSATION -

A woman victim or her dependent (s) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to Section 357-B Cr.P.C, shall be taken into account while deciding the quantum in the such subsequent application.

5. PROCEDURE FOR MAKING APPLICATION BEFORE THE SLSA OR DLSA

Mandatory Reporting of FIRs:- SHO/SP/DCP shall mandatorily share soft/hard copy of FIR immediately after its registration with State Legal services Authority /District Legal Services Authority qua Commission of offences covered in this Scheme which include Sections 326A, 354A to 354D, 376A to 376E, 304 B, 498B, 498A (incase of physical injury covered in this Schedule), so that the SLSA/DLSA can, in deserving cases, may *suo - moto* initiate preliminary verification of facts for the purpose of grant of interim compensation.

An application for the award of interim/final compensation can be filed by the Victim and/or her Dependents or the SHO, of the area before concerned SLSA or DLSA. It shall be submitted in Form 'I' along with a copy of the First Information Report (FIR) of criminal complaint of which cognizance is taken by the Court and if available Medical report, Death Certificate, wherever applicable, copy of judgement/ recommendation of court if the trial is over.

6. PLACE OF FILING OF APPLICATION-

The application /recommendation for compensation can be moved either before the State Legal Services Authority or the Concerned District Legal Services Authority or it can be filed online on a portal which

shall be created by all State Legal Service Authorities. The Secretary of the respective DLSA shall decide the application /recommendation moved before him/her as per the Scheme.

Explanation:- In case of acid attack victim the deciding authority shall be Criminal Injury Compensation Board as directed by Hon'ble Supreme Court in Laxmi *vs.* Union of India W.P.CRML 129/2006 order dated 10th April, 2015 which includes Ld. District & Sessions Judge, DM, SP, Civil Surgeon /CMO of the district.

7. **RELIEFS THAT MAY BE AWARDED BY STATE OR DISTRICT LEGAL SERVICES AUTHORITY.**

The SLSA OR DLSA may award compensation to the victim or her dependents ***to*** the extent as specified in the schedule attached hereto.

8. FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION -

While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factor relating to the loss or injury suffered by the victim.

(1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;

(2) Expenditure incurred or likely to be incurred on the medical treatment for physical /or mental health including counseling or the victim, funeral, travelling during investigation/inquiry/trial (other than diet money).

(3) Loss of educational opportunity as a consequence of the offices, including absence from school/colleges due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma bodily injury medical treatment, investigation and trial of the offence, or any other reason.

(5) The relationship of the victim to the offender, if any.

(6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time.

(7) Whether victim became pregnant as a result of the offence whether she had to undergo Medial Termination of Pregnancy (MTP)/give birth to a child, including rehabilitation needs of such child;

(8) Whether victim **contracted a sexually transmitted disease (STD) as a result of the offence.**

(9) Whether the victim contracted immunodeficiency virus (HIV) as a result of the offence;

(10) Any disability suffered by the victim as a result of the offence;

(11) Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.

(12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.

(13) Or any other factor which the SLSA/DLSA my consider just and sufficient.

9. PROCEDURE FOR GRANT OF COMPENSATION -

(1) Wherever, a recommendation is made by the court for compensation under sub-sections (2) and (3) of Section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of Section 357 of the Code, to the State Legal Services Authority or District Legal Service Authority, for interim compensation it shall prima facie satisfy itself qua compensation

needs and identity of the victim. As regards that final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim.

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may *suo moto* or after preliminary verification of the facts proceed to grant interim relief as may be required in the Circumstances of each case.

(2) The inquiry as contemplated under sub-section (5) of Section 357 A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim /petition or recommendation.

Provided that cases of acid attack an amount of Rs. One Lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DLSA. The order granting interim compensation shall be passed by DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment.*

Provided further that the victim may also be paid further amount is as admissible under this Scheme.

(3) After consideration of the matter, the SLSA or DLSA, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this Chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded.

Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to this Chapter.

- *Victims of Acid attack are also entitled to additional compensation of Rs. 1 lac under Prime Minister's National Relief Fand vide memorandum no. 24013/94/Misc./2014-CSR-III/GoI/MHA, dated 9th November, 2016 (copy attached).*

  Victims of Acid attack are also entitled to additional Special financial assistance up to Rs. 5 lacs who need treatment expenses over and above the compensation paid by the respective State/UTs in terms of Central Victim Compensation Fund Guidelines - 2016, No. 24013/94/Misc./2014-CSR-lll/MHA/GOI, dated 9th November, 2016 (copy attached).

(4) The SLSA/DLSA may call for any record or take assistance from any Authority/Establishment/ Individual/Police/Court concerned or expert for smooth implementation of the Scheme.

(5) In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

10. THE ORDER TO BE PLACED ON RECORD -

Copy of the order of interim or final compensation passed under this Scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under Section 357 of the Code. A true copy of the order shall be provided to the IO in case the matter is pending investigation and also to the victim/dependent as the case may be.

11. METHOD OF DISBURSEMENT OF COMPENSATION -

(1) The amount of compensation so awarded shall be disbursed by the SLSA by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the DLSA concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependents(s), as the case may be.

(2) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the SLSA/DLSA.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the SLSA/DLSA.

(3) The interest on the sum, if lying in FDR form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary.

12. INTERIM RELIEF TO THE VICTIM -

The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate to alleviate the suffering of the victimin the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/dependents or *suo moto.*

Provided that as soon as the application for compensation is received by the SLSA/DLSA, a sum of Rs 5000/- or as the case warrants up to Rs. 10,00.0/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, DLSA or Member Secretary, SLSA.

Provided that the, interim relief so granted shall not be less than 25 percent of the maximum compensation awardable as per schedule applicable to this Chapter, which shall be paid to the victim in totality.

Provided further that in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of SLSA/DLSA. The order granting interim compensation shall be passed by the SLSA/DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of order. Thereafter an additional sum of Rs. 2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

13. RECOVERY OF COMPENSATION AWARDED TO THE VICTIM OR HER DEPENDENT(S) -

Subject to the provisions of sub-section (3) of Section 357 A of the Code, the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.

The amount, so recovered, shall be deposited in Woman victim Compensation Fund.

14. DEPENDENCY CERTIFICATE -

The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended:

Provided that the SLSA/DLSA, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

15. MINOR VICTIMS -

That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, DDO/SDM, as the case may be.

16. LIMITATION -

Under the Scheme, no claim made by the victim or her dependent(s), under sub-section (4) of Section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.

However, in deserving cases, on an application made in this regard, for reasons to be recorded, the delay beyond three years can be condoned by the SLSA/DLSAs.

17. APPEAL:

In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, DLSA, they can file appeal within 30 days from the date of receipt of order before the Chairperson, DLSA.

Provided that, delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

18. REPEAL *&* SAVINGS -

(1) In case this Chapter is silent on any issue pertaining to Victim Compensation to Women, the provisions of Victim Compensation Scheme of the State would be applicable.

(2) Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.

Explanation: It is clarified that this Chapter does not apply to minor victims under POCSO Act, 2012 in so far as their compensation issues are to be dealt with only by the Ld. Special Courts under Section 33 (8) of POCSO Act, 2012 and Rules (7) of the POCSO Rules, 2012.

SCHEDULE APPLICABLE TO WOMEN VICTIM OF CRIMES

Sl. No.	Particulars of less of injury	Minimum Limit of Compensation	Upper Limit of compensation
1	Loss of life	Rs. 5 Lakh	Rs. 10 Lakh
2	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5	Loss of any Limb or part of body resulting in 80% permanent disability or above.	Rs. 2 Lakh	Rs. 5 Lakh
6	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability.	Rs. 2 Lakh	Rs. 4 Lakh
7	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability.	Rs. 1 Lakh	Rs. 3 Lakh
8	Loss of any Limb or part of body resulting in below 20% permanent disability.	Rs. 1 Lakh	Rs. 2 Lakh
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakh	Rs. 3 Lakh
11	In case of pregnancy on account of rape.	Rs. 3 Lakh	Rs. 4 Lakh
12	Victims of Burning:		
a.	In case of disfigurement of case	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
d.	In case of injury less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13	Victims of Acid Attack -		
a.	In the case of disfigurement of face	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of injury less than 50%	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%	Rs. 3 Lakh	Rs. 5 Lakh
d.	In case of injury less than 20%	Rs. 3 Lakh	Rs. 4 Lakh

FORM - I

APPLICATION FOR THE AWARD OF COMPENSATION UNDER COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUAL ASSAULT/OTHER CRIMES, 2018 FOR INTERIM/FINAL RELIEF FOR WOMEN

1.	Name of the Applicant Victim(s) or her Dependent(s)	
2.	Age of the Victim(s) or her Dependent(s)	
3.	(a) Father's Name (b) Mother's Name (c) Spouse's Name	
4.	Address of the Victim(s) or her / their Dependent(s)	
5.	Date and time of the Incident	
6.	Whether FIR has been lodged?	
7.	Whether medical examination has been done? If yes, enclose medical Report / Death Certificate/P.M. report	
8.	Status of trial, if pending. If over, enclose copy of judgement and order on sentence.	
9.	Has the applicant been awarded any compensation by the trial court or any other Govt. agency. If yes give details.	
10.	Give details of financial expenditure/loss incurred.	
11.	Have you instituted any civil suit/claim against the perpetrator of offence. If yes give details. Signature of the Victim/Dependent.	